

## **REMARKS**

### **I. General**

Claims 1-20 are pending, and claims 1-16, 19, and 21 are rejected by the Final Action mailed July 14, 2006. No claims are amended by this response. The issues in the Final Action are as follows:

- Claims 1-20 are rejected under the doctrine of obviousness-type double patenting over US 6,662,313.
- Claims 1-3, 12-16, and 19 are rejected under 35 U.S.C. § 102(b) over US 5,867,644 (hereinafter, *Ranson*).
- Claims 4-11 are rejected under 35 U.S.C. § 103(a) over *Ranson* in view of US 5,711,240 (hereinafter, *Tobin*).
- Claims 17, 18, and 20 are objected to for depending from a rejected base claim, but are otherwise indicated as allowable.

Applicant thanks the Examiner for the courtesy and professionalism shown thus far. In response to the Examiner's arguments in the Examiner Answer, Applicant presents these arguments and evidence for consideration.

### **II. Double Patenting Rejection**

On pages 2-5 of the Final Action, claims 1-20 are rejected under the judicially-created doctrine of obviousness-type double patenting in view of the claims of US 6,662,313. Applicant proposes filing a terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) if the Examiner's rejections still properly stand upon indication that the claims of the present application are otherwise allowable.

### **III. Rejections Under 35 U.S.C. § 102**

On pages 6-9 of the Office Action, claims 1-3, 12-16, and 19, are rejected under 35 U.S.C. § 102(b) over *Ranson*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *Ranson* does not teach every element of the claims.

Independent claim 1 recites, in part, “a FIFO storage array that stores at least a portion of the sampled data.” The Final Action cites *Ranson* at figure 4 and the passage at column 13, line 38 through column 14, line 62 to teach the feature. However, these portions of *Ranson* do not teach the feature at least because they do not teach a FIFO storage array.

Figure 4 illustrates a “ring-communication” structure, which is a commonly used structure in industry, and it does not teach a FIFO storage array. Rather, the ring allows access to any of the registers therein in any particular order. Applicant attaches two references hereto illustrating and explaining ring communication structures for further understanding.

Figure 4 of *Ranson* shows a ring communication mechanism that allows general purpose registers 126 to communicate with all of the “remote registers” (344, 346, 348, 350, 352, and 354) through the ring. A remote register can be addressed by the incoming control/data on lines 406 and 410. A given remote register can be written to or read from by addressing it. See, e.g., the passage spanning columns 12 and 13. Further, any remote register can be read from or written to in any order, as evidenced by the random addressing.

This does not teach a FIFO storage array because the relationship between general purpose registers 126 and the ring is not necessarily a First In First Out relationship, since registers 126 can read or write to any of the remote registers in any order.

This is further illustrated by figure 6 and its accompanying description. Figure 6 shows what is inside each of the remote registers (i.e., 344, 346, 348, 350, 352, and 354). As can be seen from the last paragraph of column 12 of *Ranson*, each of the remote registers has an address and can be accessed through the ring for read and write operations. See Col. 12, line 64, through Col. 13, line 12. The passage at columns 13 and 14 describes how the remote registers are read and written when the address is passed around the ring. For instance, if a remote register receives an address that does not match its own address, the remote register passes the data on to the next remote register in the ring, and so on. If the address does match, and a read is being done, then data is inserted onto serial data output 414 of the remote register from internal to the remote register via mux 608 of figure 6.

In other words, it appears that the remote registers of figure 4 can be addressed for reads and writes by passing address signals through the ring. Further, rather than shifting data through the registers in a FIFO fashion, as alleged by the office action, it appears that the data is passed from line 412 to line 414 not through registers, but through mux 608. Thus, as shown above, a ring communication structure does not teach a FIFO storage array.

Further, it does not appear that the figure 4 structure “stores at least a portion of the sampled data”, as required by claim 1. Rather, the remote registers in the ring are control registers with control information. See Col. 11, lines 27-39 and Col. 12, lines 13-17. Therefore, not only do the cited portions fail to teach a FIFO storage array, but the passages also fail to teach such an array that stores at least a portion of sampled data. Thus, the cited portions do not teach the above-recited feature of claim 1.

Dependent claims 2, 3, 12-16, and 19 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the cited portions of *Ranson* do not teach or suggest all claim limitations of claims 2, 3, 12-16, and 19. It is respectfully submitted that dependent claims 2, 3, 12-16, and 19 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-3, 12-16, and 19.

**IV. Rejections Under 35 U.S.C. § 103**

On pages 9-11, claims 4-11 are rejected under 35 U.S.C. § 103(a) over *Ranson* in view of *Tobin*. Applicant traverses the rejection.

As shown above, the cited portions of *Ranson* do not teach every feature of amended claim 1. The rejection does not rely on *Tobin* to teach or suggest the features that are shown to be missing from the cited portions of *Ranson*. Accordingly, the proposed combination of *Ranson* and *Tobin* does not teach or suggest every feature of claim 1. Dependent claims 4-11 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the proposed combination does not teach or suggest all claim limitations of claims 4-11. It is respectfully submitted that dependent claims 4-11 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4-11.

**V. Conclusion**

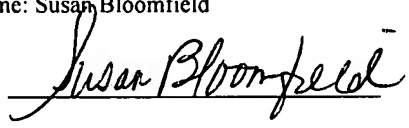
In view of the above, Applicant believes the pending application is in condition for allowance and requests favorable reconsideration.

Applicant believes a fee of \$790.00 is due with this response. However, if additional fees are due, please charge Deposit Account No. 08-2025, under Order No. 10002929-3 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568269029US, in an envelope addressed to: MS RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: May 15, 2007

Typed Name: Susan Bloomfield

Signature: 

Respectfully submitted,

By 

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Date: May 15, 2007

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Attachments: Coffman, et al., "Processor-Ring Communication: A Tight Asymptotic Bound on Packet Waiting Times," 1999; and U.S. Pat No. 4,567,590.